

## REMARKS

### Section 112 Rejection

The Examiner rejects Claims 31 and 39 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Applicant amends the claims to correct this. The addition to Claim 31 can be found in the specification as filed at page 13, line 28. Thus, no new matter is added.

Given the incorporation of the Examiner's comments into the new claims, the Applicant requests that this rejection be withdrawn.

### Section 103 Rejection

The Examiner rejects Claims 24-29 and 31-40 under 35 U.S.C. § 103(a) as being unpatentable over *Whiteker* (US 6,333,389) in view of *Holtcamp* (WO 00/04058). The Applicant traverses this rejection, as Claims 24 and 31 are now amended to incorporate the limitations of Claims 30 and 41, respectively.

In particular, the catalyst composition (claim 24) and method of preparing the catalyst composition (claim 31) are now described as having "supported activator and iminophenoxide Group 4 catalyst compound are combined in a mole ratio (Al:Group 4 metal) of from 0.3:1 to 3:1." This limitation further defines the catalyst composition by adding a limitation not found in either *Whiteker* or *Holtcamp*. There is no teaching in *Holtcamp* of the molar ratios of the claimed supported activator to catalyst metal to be used. *Whiteker* also does not disclose this feature of the invention.

In order to establish a prima facie case of obviousness under § 103, the prior art references must teach or suggest all the claim limitations. MPEP 2143 (8<sup>th</sup> ed. August 2001). As mentioned in the previous action, there is no teaching or suggestion of the added limitation in either reference. Given that this is not the case, the Applicant respectfully requests withdrawal of the Examiner's rejection.

It is submitted that the case is in condition for allowance. The Applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted:

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